

EXHIBIT 3

**REDACTED VERSION
OF DOCUMENT
SOUGHT TO BE SEALED**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

PLAINTIFF,

CASE NO.

VS.

3:17-CV-00939-WHA

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO

TRUCKING LLC,

DEFENDANTS.

HIGHLY CONFIDENTIAL - OUTSIDE COUNSEL ONLY

VIDEOTAPED DEPOSITION OF ALEX COOPER

PALO ALTO, CALIFORNIA

WEDNESDAY, AUGUST 23, 2017

VOLUME I

Reported By:

MEGAN F. ALVAREZ, RPR, CSR No. 12470

Job No. 2686086

PAGES 1 - 114

Page 39

1 BY MS. DAVIS:

09:42:10

2 Q. Sure. Start with that one first.

09:42:11

3 A. Not as I recall.

09:42:13

4 Q. Did he give you any opinions as to Tyto
5 more generally?

09:42:16

09:42:18

6 A. After the visit, we had a debrief session
7 with Anthony. And as I recall, he felt that -- that
8 the Tyto sensor was a -- was a nice sensor or they
9 had done nice work. As far as I recall, that was
10 about the extent of his -- his opinion.

09:42:20

09:42:24

09:42:29

09:42:33

09:42:37

11 Q. I'm going to hand you a previously marked
12 exhibit, 1752, which is WAYMO-UBER-00010459.

09:43:24

09:43:26

13 Go ahead and look up when you're done
14 reading.

09:43:46

09:43:48

15 A. Okay.

09:48:31

16 Q. And are those your notes from the Tyto
17 visit?

09:48:33

09:48:35

18 A. I believe so.

09:48:36

19 Q. And did you author the notes?

09:48:37

20 A. Yes.

09:48:39

21 Q. And do they accurately represent your
22 visit?

09:48:40

09:48:42

23 A. As I recall, yes.

09:48:43

24 Q. And the notes look like the tour was
25 pretty comprehensive. Do you agree?

09:48:55

09:48:57

Page 40

1	MR. ZADO: Objection as to form.	09:49:00
2	THE WITNESS: That depends on your	09:49:01
3	definition of "comprehensive." Yes, I think it was	09:49:02
4	a fairly normal kind of a tour you would expect.	09:49:05
5	BY MS. DAVIS:	09:49:08
6	Q. Did they give you full access to their	09:49:09
7	facility?	09:49:11
8	MR. ZADO: Objection as to form.	09:49:12
9	THE WITNESS: We were shown certain	09:49:13
10	things. Other things we were not shown.	09:49:16
11	BY MS. DAVIS:	09:49:18
12	Q. What were you not allowed to see or what	09:49:18
13	were you not shown?	09:49:21
14	A. I don't know.	09:49:23
15	Q. So there wasn't anything that you wanted	09:49:23
16	to see that you were not permitted to see?	09:49:24
17	A. Not as I recall.	09:49:27
18	Q. Were there any rooms that you weren't	09:49:33
19	allowed to go into?	09:49:34
20	A. I don't recall.	09:49:38
21	Q. And on your visit, did you see anything	09:49:43
22	that looked like Google technology?	09:49:45
23	MR. ZADO: Objection as to form.	09:49:51
24	THE WITNESS: At that point, I was not	09:49:52
25	familiar with the Google technology, so I couldn't	09:49:53

Page 41

1 have made that evaluation.

09:49:56

2 BY MS. DAVIS:

09:49:58

3 Q. But you didn't see anything that you knew
4 was Google technology; is that correct?

09:49:59

09:50:00

5 MR. ZADO: Objection as to form.

09:50:02

6 THE WITNESS: I didn't see anything that I
7 recognized as Google property.

09:50:04

09:50:05

8 BY MS. DAVIS:

09:50:08

9 Q. And Tyto fully showed you their -- their
10 LIDAR system; is that correct?

09:50:13

09:50:17

11 MR. ZADO: Objection as to form.

09:50:19

12 THE WITNESS: I would not say they fully
13 showed us their system. They showed us -- they
14 showed us certain parts. Obviously there were some
15 parts they most likely did not show us. But, again,
16 I don't know what those would have been since we
17 didn't see them.

09:50:20

09:50:22

09:50:23

09:50:29

09:50:33

09:50:35

18 BY MS. DAVIS:

09:50:36

19 Q. But they opened up and showed you the
20 inside of the unit; isn't that correct?

09:50:37

09:50:39

21 MR. ZADO: Objection as to form.

09:50:41

22 THE WITNESS: I recall seeing components,
23 some of the internals.

09:50:43

09:50:44

24 BY MS. DAVIS:

09:50:49

25 Q. Did you ask to see any other part of the

09:50:51

Page 42

1 unit? 09:50:53

2 A. I don't recall the specifics of what we 09:50:54

3 asked for. 09:50:56

4 Q. Do you recall being denied being shown any 09:50:57

5 part of the unit? 09:51:00

6 A. I don't recall. 09:51:05

7 Q. But if the unit was based on Google 09:51:06

8 technology, would -- why would they show you the 09:51:12

9 inside of the unit? 09:51:14

10 MR. ZADO: Objection as to form. 09:51:15

11 THE WITNESS: I don't know what they would 09:51:17

12 do or not do. I would be speculating. 09:51:19

13 BY MS. DAVIS: 09:51:21

14 Q. And when they showed you the inside, did 09:51:26

15 you recognize anything as Google -- Google 09:51:28

16 proprietary information? 09:51:29

17 MR. ZADO: Objection as to form. 09:51:33

18 THE WITNESS: As I said previously, I 09:51:37

19 would not have been able to make that determination 09:51:38

20 since I didn't know about the Google technology. 09:51:41

21 BY MS. DAVIS: 09:51:43

22 Q. Did you take any photographs or take any 09:51:44

23 additional notes as to the technology? 09:51:47

24 MR. ZADO: Objection as to form. 09:51:50

25 THE WITNESS: I don't recall taking any 09:51:52

Page 43

09:51:53

09:51:54

09:51:54

09:52:03

09:52:06

09:52:09

09:52:13

09:52:16

09:52:18

09:52:32

09:52:33

09:52:38

09:52:40

09:52:44

09:52:50

09:52:54

09:52:57

09:52:59

09:53:02

09:53:03

09:53:07

09:53:08

09:53:11

09:53:26

09:53:30

1 photographs.

2 BY MS. DAVIS:

3 Q. Okay. And did Anthony stay with you the
4 entire visit to Tyto?

5 A. As I recall, he arrived late. And I
6 believe we all left at about the same time.

7 Q. Okay. And did he prevent you from seeing
8 anything at Tyto?

9 A. Not as I recall.

10 Q. Is there anything not in the notes that
11 you recall from your Tyto visit?

12 A. This was a long time ago. The notes
13 roughly match with what I recall. I don't recall
14 anything specifically different.

15 Q. And I guess what were your general
16 impressions after you left Tyto? Did you think that
17 they were going to be a possible vendor or
18 something -- someone who you would collaborate with
19 at Google?

20 A. At that stage, it was too early to make
21 that determination. Clearly there was potential,
22 and we were interested to continue working with
23 them.

24 Q. Was their LIDAR system ready to be
25 utilized in its current form at Google at that

1 point? 09:53:34

2 MR. ZADO: Objection as to form. 09:53:39

3 THE WITNESS: Are you referring 09:53:42

4 specifically to Street View or some other part of 09:53:43

5 Google or... 09:53:46

6 BY MS. DAVIS: 09:53:47

7 Q. For your use, for Street View's use. 09:53:47

8 A. I believe at that point we did not think 09:53:50

9 it was ready, but we had not made a full -- what's 09:53:52

10 the word? We had not evaluated the system 09:53:57

11 sufficiently to make that determination. 09:54:01

12 Q. And what were your -- what were your next 09:54:06

13 steps after your visit to Tyto with regards to Tyto? 09:54:08

14 A. As I recall and I was -- as written in the 09:54:12

15 notes, we wanted to get an evaluation system loaner 09:54:15

16 to try it out and -- under our own conditions. And 09:54:18

17 so I believe the discussion moved in that direction. 09:54:22

18 Q. And did you end up receiving a loaner unit 09:54:26

19 to test? 09:54:29

20 A. We did. 09:54:30

21 Q. And do you recall when that was? 09:54:31

22 A. I don't recall specifically, but I believe 09:54:33

23 it was late summer. 09:54:34

24 Q. And did you discuss -- scratch that. 09:55:18

25 After your initial visit to Tyto, was 09:55:43

Page 45

1 there any discussion of [REDACTED]? 09:55:45

2 A. After the initial visit, no. Later on, 09:55:52

3 yes. 09:55:55

4 Q. And did you ever have any discussions with 09:55:56

5 Rom Clement about potentially whether -- scratch 09:56:00

6 that. 09:56:03

7 Did you have any discussions with 09:56:04

8 Rom Clement or Bob MacDonald about [REDACTED] [REDACTED]

9 [REDACTED] [REDACTED]

10 [REDACTED] 09:56:13

11 A. Yes. 09:56:14

12 Q. And did you view [REDACTED] [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED] 09:56:32

16 MR. ZADO: Objection as to form. 09:56:34

17 THE WITNESS: I didn't have any specific 09:56:35

18 plans. 09:56:37

19 BY MS. DAVIS: 09:57:14

20 Q. And you said you had an internal debrief 09:57:14

21 after the Tyto visit; is that correct? 09:57:17

22 A. Yes. 09:57:19

23 Q. And when did that happen? 09:57:20

24 A. Sometime after the meeting. I don't 09:57:23

25 recall exactly when. 09:57:25

CERTIFICATE OF REPORTER

I, the undersigned, a Certified Shorthand Reporter of the State of California, do hereby certify:

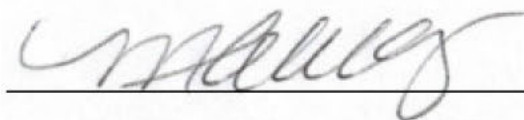
That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were administered an oath; that a verbatim record of the proceedings was made by me using machine shorthand, which was thereafter transcribed under my direction; and that the foregoing is an accurate transcription thereof.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [] was [X] was not requested.

I further certify that I am neither financially interested in the action, nor a relative or employee of any attorney of any party to this action.

IN WITNESS WHEREOF, I have this date subscribed my name.

DATED: August 24, 2017



MEGAN F. ALVAREZ
CSR No. 12470, RPR